

REMARKS

In the Office Action, the Examiner rejected claims 2 and 3 under 35 U.S.C. §101; rejected claims 1-5 under 35 U.S.C. § 112, second paragraph; rejected claims 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by the article “Syndication”; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,873,071 to Ferstenberg et al. (“*Ferstenberg*”); and rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Ferstenberg*.

By this amendment, Applicants propose to amend claims 1-4, 6, 7, and 9.

Claims 1-9 would remain pending and under Examination.

The Examiner rejected claims 2 and 3 under 35 U.S.C. §101, “because the claimed invention is directed to non-statutory subject matter” (Office Action at page 2).

Applicants amend claims 2 and 3 to recite “the [] means is further operable to” instead of “the [] means.” Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. §101.

The Examiner rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, because the claims “fail[] to particularly point out and distinctly claim the subject matter which applicant[s] regard as the invention” (Office Action at page 3).

Applicants amend independent claim 1 to recite an input means, and amend claims 3 and 4 to refer the input means and a recording. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-5 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by “Syndication.”

Claim 7, as amended, recites a transaction method comprising, “receiving request information from a buyer, the request information comprising a name of the media content the buyer wants to acquire and information about how the buyer wants to use the media content.” “Syndication” does not disclose at least the claimed receiving of request information.

“Syndication” discloses “the practice of selling rights to the presentation of a television program (page 1, paragraph 1). The Examiner asserts that that the article discloses “[w]hen rights to a television program are sold, the ‘right’ to broadcast is attached to the program for which the rights w[]ere purchased . . . [and] [w]hen somebody is purchasing the rights to broadcast a television program, they are purchasing both the right and the content itself” (Office Action at pages 14-15).

“Syndication” fails to disclose or suggest attaching rights to the media content and the identified media content. “Syndication” also does not disclose “receiving . . . information about how the buyer wants to use the media content” as recited in claim 1.

Accordingly, “Syndication” does not anticipate claim 7. Claim 8 depends from claim 7, and is thus allowable over “Syndication” for at least the same reasons as claim 7.

Applicants respectfully traverse the rejection of claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by *Ferstenberg*.

Claim 1, as amended, recites an information processing system, including, for example, “output means . . . [for] transmit[ting] information about the purchase-and-sale

contract to an escrow agent.” *Ferstenberg* does not disclose at least the claimed output means.

Ferstenberg discloses a “computer system[] that facilitates an automatic exchange of commodities between users according to the user’s goals” (col. 1, lines 6-10). The users are “represented by electronic agents . . . that interact with an electronic intermediary . . . the agents conduct negotiations by exchanging electronic messages with the intermediary” (col. 12, lines 37-50). *Ferstenberg* does not disclose any other parties that are involved except for the users and the intermediary (see Fig. 4). Therefore, *Ferstenberg* does not disclose “output means . . . [for] transmit[ting] information about the purchase-and-sale contract to an escrow agent” as recited in claim 1 (emphasis added).

Accordingly, *Ferstenberg* does not anticipate claim 1. Claims 2-5 depend from claim 1 and are thus allowable over *Ferstenberg*, for at least the same reason as claim 1.

Applicants respectfully traverse the rejection of claims 6-9 under 35 U.S.C. §103(a) as being unpatentable over *Ferstenberg*. *Ferstenberg* fails to teach or suggest each and every element of claims 6-9.

Claim 6, as amended, though of different scope than claim 1, is allowable over *Ferstenberg*, for at least the same reason as claim 1. The Examiner fails to cite any other prior art that repairs the noted deficiency of *Ferstenberg*. Accordingly, *Ferstenberg* fails to render the subject matter of claim 6 obvious.

Independent claim 7, though of different scope than claim 6, is allowable over *Ferstenberg*, for at least the same reason as claim 6. Claim 8 depends from claim 7, and is thus allowable over *Ferstenberg*, for at least the same reason as claim 7.

Ferstenberg fails to teach or suggest the subject matter of claim 9. Claim 9 recites an information processing method including the step of “generating a first web page which is viewable by the buyer information processing apparatus, and which displays a message input from the seller information processing apparatus specified by the second media content information, and which receives a message from the buyer to be sent to the seller.” *Ferstenberg* fails to disclose at least the claimed generating a first web page.

Ferstenberg discloses, “agents conduct negotiations by exchanging electronic messages with the intermediary” (col. 12, lines 43-45). *Ferstenberg* further discloses, “the intermediary actively initiates all message exchanges while each e-agent waits passively for and responds to messages from the intermediary” (col. 14, lines 28-30).

“Exchanging electronic messages” does not constitute “generating a [] web page” as recited in claim 9. The Examiner fails to cite any other prior art that repairs the deficiency of *Ferstenberg*. Accordingly, *Ferstenberg* fails to render the subject matter of claim 9 obvious.

Applicants respectfully request that this Amendment be entered by the Examiner. Applicants submit that the proposed amendments of claims 1-4, 6, 7, and 9 place the application in condition for allowance. In the alternative, the proposed amendments at least place the application in better form for appeal.

In view of the foregoing amendments and remarks, Applicants respectfully request entry of the amendment, reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 9, 2007

By: _____


Eli Mazour
Reg. No. 59,318